

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

AVIVA PARTNERS LLC, Individually and  
On Behalf of All Others Similarly Situated,

Plaintiff,

vs.

EXIDE TECHNOLOGIES, et al.,

Defendants.

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) No. 3:05-cv-03098-MLC-JJH  
) (Consolidated)  
)

) CLASS ACTION  
)

) ORDER APPOINTING LEAD PLAINTIFFS  
) AND APPROVING SELECTION OF LEAD  
) AND LIAISON COUNSEL  
)  
)  
)

WHEREAS, on August 15, 2005, in accordance with Section 21D(a)(3)(B) of the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), motions seeking appointment of lead plaintiff and approval of selection of lead and liaison counsel were filed in this action (the "Opening Motions") by: (i) Alaska Hotel & Restaurant Employees Pension Trust Fund ("Alaska Pension Trust"); (ii) Lakeway Capital Management ("Lakeway Capital") and Copper Beech Capital ("Copper Beech" and, together with Lakeway Capital, the "Copper Beech Group"); (iii) Crain Communications Incorporated Pension Plan ("Crain"); (iv) Arthur Horwitz, on behalf of Louisville Frankfort Realty Corp., and Adam Siakala; and (v) Elaine Breckenridge, William Waeckerle, Mac Sohrabi, Mitra Sohrabi and Jeffrey Uhl;

WHEREAS, subsequent to the filing of the Opening Motions, only movants (i) Alaska Pension Trust and (ii) Copper Beech Group filed oppositions to the Opening Motions;

WHEREAS, movant Crain filed a non-opposition to the Opening Motions filed by the Copper Beech Group and later filed a reply brief addressing arguments raised in the opposition filed by Alaska Pension Trust;

WHEREAS, counsel for Alaska Pension Trust and Lakeway Capital sent a letter dated November 29, 2005 to the Court, which, among other things, (i) requested that the Court appoint Alaska Pension Trust and Lakeway Capital as co-lead plaintiffs and (ii) informed the Court that Crain did not object to the appointment of Alaska Pension Trust and Lakeway Capital as co-lead plaintiffs;

It is hereby ORDERED:

1. Alaska Pension Trust and Lakeway Capital are hereby appointed Co-Lead Plaintiffs for the Class pursuant to Section 21D of the Securities Exchange Act of 1934; and
2. The law firms of Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Schatz & Nobel, P.C. are hereby appointed Co-Lead Counsel and the law firms Lite DePalma Greenberg &

Mar-16-08

11:25am

From LITE DE PALMA

973 623 0858

T-100

P.006/006

Rivas, LLC and Cohn Lifland Pearlman Herrmann & Knopf, LLP are hereby appointed Co-Liaison Counsel.

IT IS SO ORDERED.

DATED: MAR. 24, 2006

Mary L. Cooper  
THE HONORABLE MARY L. COOPER  
UNITED STATES DISTRICT JUDGE



1 LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
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5 - and -  
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8 [Proposed] Lead Counsel for Plaintiffs  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13 JAMES DOLAN, On Behalf of Himself and  
14 All Others Similarly Situated,

15 Plaintiff,

16 vs.

17 INFINEON TECHNOLOGIES AG, et al.,

18 Defendants.  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

) No. C-04-4156-JW

) CLASS ACTION

) PLAINTIFFS' JOINT STIPULATION AND  
) [PROPOSED] ORDER TO CONSOLIDATE  
) THE ACTIONS, APPOINT LEAD  
) PLAINTIFF, AND TO APPROVE LEAD  
) PLAINTIFF'S SELECTION OF CO-LEAD  
) COUNSEL

1 WHEREAS, on or about September 30, 2004, the above-captioned *Dolan v. Infineon*  
2 *Technologies AG, et al.*, 04-CV-4156 (the “Dolan Action”), was filed in the United States District  
3 Court for the Northern District of California and alleged violations of the federal securities laws on  
4 behalf of a class of purchasers of Infineon Technologies AG (“Infineon”) securities from March 13,  
5 2000, to July 19, 2004. On October 6, 2004, the complaint in the action captioned *Christierson v.*  
6 *Infineon Technologies AG, et al.*, 04-CV-7917, was the first action filed in the Southern District of  
7 New York. On October 28, 2004, the complaint captioned *Burger v. Infineon Technologies AG, et*  
8 *al.*, 04-CV-8513, was filed in the Southern District of New York on behalf of purchasers of Infineon  
9 securities between March 13, 2000, and September 15, 2004 (the “Class Period”);

10 WHEREAS, pursuant to §21D(a)(3)(A) of the Securities Exchange Act of 1934 (“Exchange  
11 Act”), 15 U.S.C. §78u-4(a)(3)(A), the plaintiff in the *Dolan* Action caused notice to be published on  
12 *Business Wire* on September 30, 2004, which informed class members of their right to seek  
13 appointment as lead plaintiff by filing a motion with the Court no later than November 29, 2004;

14 WHEREAS, on November 29, 2004, plaintiff Reinhard Schroeder, pursuant to §21D of the  
15 Private Securities Litigation Reform Act of 1995 (“PSLRA”), timely filed a motion seeking  
16 consolidation of the above-captioned actions, his appointment as Lead Plaintiff, and approval of his  
17 selection of Murray, Frank & Sailer LLP (“Murray Frank”) as Lead Counsel in the proposed  
18 consolidated cases. During the Class Period, Schroeder purchased 84,900 shares of Infineon on the  
19 Frankfurt Stock Exchange and suffered losses of \$892,143.94 on his transactions;

20 WHEREAS, on November 29, 2004, plaintiffs the Central Laborers’ Retirement Fund, the  
21 Charter Township of Clinton Police & Fire Retirement System, and Mark and Karen Gurvey  
22 pursuant to §21D of the PSLRA, timely filed a motion seeking consolidation of the above-captioned  
23 actions, their appointment as Lead Plaintiff, and approval of their selection of Lerach Coughlin Stoia  
24 Geller Rudman & Robbins LLP (“Lerach Coughlin”) as Lead Counsel in the proposed consolidated  
25 cases. During the Class Period, Charter Township of Clinton Police & Fire Retirement System  
26 purchased 2,100 Infineon American Depositary Receipts and suffered losses of \$77,437.50. Mark  
27 and Karen Gurvey purchased 2,250 shares of Infineon common stock traded on the Frankfurt Stock  
28 Exchange and suffered losses of \$53,012.46 on their transaction;

1 WHEREAS, there are no other motions to be appointed lead plaintiff and to approve lead  
2 plaintiff's selection of lead counsel pending in the Southern District of New York or the Northern  
3 District of California;

4 WHEREAS, pursuant to the PSLRA, the Court is to presume that the "most adequate  
5 plaintiff" is the person or group of persons who, "in the determination of the court, has the largest  
6 financial interest in the relief sought by the class." 15 U.S.C. §78u-4(a)(3)(B)(iii)(I);

7 WHEREAS, each of the movants understands the importance of supervising and monitoring  
8 the case and has determined that to best protect the interests of the class it would be more efficient to  
9 propose a consensual resolution of this matter rather than to proceed with competing lead plaintiff  
10 motions. As a result, the movants have reached an agreement that resolves the pending motions and  
11 provides for the joint appointment of Reinhard Schroeder, Charter Township of Clinton Police &  
12 Fire Retirement System and Mark and Karen Gurvey as Lead Plaintiff;

13 WHEREAS, Reinhard Schroeder has agreed to the selection of his counsel, Murray Frank, as  
14 Co-Lead Counsel and Charter Township of Clinton Police & Fire Retirement System and Mark and  
15 Karen Gurvey have agreed to the selection of their counsel, Lerach Coughlin, as Co-Lead Counsel  
16 for the purchasers of Infineon securities; and

17 WHEREAS, the proposed Lead Plaintiff collectively has the largest financial interest in the  
18 relief sought by the class and satisfies the requirements of §21D(a)(3)(B)(iii)(I) of the Exchange Act,  
19 15 U.S.C. §78u-4(a)(3)(B)(iii)(I);

20 IT IS HEREBY STIPULATED AND AGREED, by the parties, through their undersigned  
21 counsel, as follows:

22 1. Reinhard Schroeder, Charter Township of Clinton Police & Fire Retirement System  
23 and Mark and Karen Gurvey shall be appointed Lead Plaintiff for the class of purchasers of Infineon  
24 securities between March 13, 2000, and September 15, 2004, pursuant to §21D(a)(3)(B) of the  
25 Exchange Act, 15 U.S.C. §78u-4(a)(3)(B);

26 2. Murray Frank and Lerach Coughlin will serve as Co-Lead Counsel for the purchasers  
27 of Infineon securities pursuant to §21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. §78u-  
28 4(a)(3)(B)(v);



1           3.       Each of the related actions shall be consolidated for all purposes (the "Consolidated  
2 Action"). This Order shall apply to the Consolidated Action and to each case that relates to the same  
3 subject matter that is subsequently filed in this Court or is transferred to this Court and is  
4 consolidated with the Consolidated Action;

5           4.       Every pleading filed in this Action shall have the following caption:

6  
7 IN RE INFINEON TECHNOLOGIES AG  
8 SECURITIES LITIGATION

Case No. C-04-4156-JW

9  
10 DATED: April 4, 2005

Respectfully submitted,

11 MURRAY, FRANK & SAILER LLP  
12 BRIAN P. MURRAY (BM-9954)  
ERIC J. BELFI (EB-8895)

13 /s/ Eric J. Belfi  
14 ERIC J. BELFI

15 DATED: April 4, 2005

16 LERACH COUGHLIN STOIA GELLER  
17 RUDMAN & ROBBINS LLP  
JOHN K. GRANT  
SYLVIA SUM

18  
19 /s/ John K. Grant  
20 JOHN K. GRANT

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27 [Proposed] Lead Counsel for Plaintiffs  
28



\* \* \*

ORDER

IT IS SO ORDERED.

DATED: April 22, 2005

/s/ James Ware

THE HONORABLE JAMES WARE  
UNITED STATES DISTRICT JUDGE

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DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a resident of the County of Los Angeles, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 9601 Wilshire Blvd., Suite 510, Los Angeles, California 90210.

2. That on April 4, 2005, declarant served the **PLAINTIFFS' JOINT STIPULATION AND [PROPOSED] ORDER TO CONSOLIDATE THE ACTIONS, APPOINT LEAD PLAINTIFF, AND TO APPROVE LEAD PLAINTIFF'S SELECTION OF CO-LEAD COUNSEL** by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 4, 2005, at Los Angeles, California.

/s/ Diana L. Houck  
DIANA L. HOUCK

INFINEON TECHS (CA)

Service List - 1/10/2005 (04-0381)

Page 1 of 2

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**INFINEON TECHS (CA)**

**Service List - 1/10/2005 (04-0381)**

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UNITED STATES DISTRICT COURT

DISTRICT OF NEBRASKA

|  |   |                           |
|--|---|---------------------------|
| DAVID P. BERLIEN, On Behalf of Himself<br>and All Others Similarly Situated,     | ) | No. 8:05-cv-00292-LES-TDT |
|  | ) |                           |
| Plaintiff,   | ) | <u>CLASS ACTION</u>       |
|  | ) |                           |
| vs.  | ) |                           |
|  | ) |                           |
| CONAGRA FOODS, INC., et al.,   | ) |                           |
|  | ) |                           |
| Defendants.  | ) |                           |
|  | ) |                           |
| JOSEPH CALVACCA, Individually and On<br>Behalf of All Others Similarly Situated, | ) | No. 8:05-cv-00318-LES-TDT |
|  | ) |                           |
| Plaintiff,   | ) | <u>CLASS ACTION</u>       |
|  | ) |                           |
| vs.  | ) |                           |
|  | ) |                           |
| CONAGRA FOODS, INC., et al.,   | ) |                           |
|  | ) |                           |
| Defendants.  | ) |                           |
|  | ) |                           |

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PLAINTIFFS' JOINT STIPULATION AND [PROPOSED] ORDER TO CONSOLIDATE THE  
ACTIONS, APPOINT LEAD PLAINTIFF AND TO APPROVE LEAD PLAINTIFF'S  
SELECTION OF CO-LEAD COUNSEL

WHEREAS, on June 21, 2005, plaintiff in the above-captioned *Berlien v. ConAgra Foods, et al.*, No. 05-cv-292-LES-TDT (D. Neb.) (the “*Berlien* Action”), filed the first of these related actions in the United States District Court for the District of Nebraska alleging violations of the federal securities laws on behalf of a class of purchasers of ConAgra Foods, Inc. (“ConAgra”) securities between September 18, 2003 and June 7, 2005, inclusive (the “Class Period”). On June 30, 2005, the above-captioned *Calvacca v. ConAgra Foods, Inc., et al.*, No. 8:05-CV-00318-LES-TDT, was filed in the District of Nebraska on behalf of the same class as that of the *Berlien* Action and asserts the same causes of action. On July 26, 2005, plaintiff in the action captioned *Woods v. ConAgra Foods, Inc., et al.*, No. 05-cv-6707 (S.D.N.Y.), filed a related action in the United States District Court for the Southern District of New York on behalf of the same class as that of the *Berlien* Action and asserts the same causes of action.

WHEREAS, pursuant to §21D(a)(3)(A) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. §78u-4(a)(3)(A), the plaintiff in the *Berlien* Action caused notice to be published on *Business Wire* on June 21, 2005 (the “Notice”), which informed class members of their right to seek appointment as lead plaintiff by filing a motion with the court no later than August 22, 2005;

WHEREAS, on August 22, 2005, putative class member National Elevator Industry Pension Fund (“National Elevator”), pursuant to §21D of the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), timely filed a motion seeking consolidation of the above-captioned actions, appointment as lead plaintiff, and approval of its selection of Lerach Coughlin Stoia Geller Rudman & Robbins LLP as lead counsel in the proposed consolidated cases. During the Class Period, National Elevator purchased 256,800 shares of ConAgra common stock and suffered losses of \$1,266,629 on its transactions;



WHEREAS, on August 22, 2005, purported class member International Fund Management S.A., Luxembourg ("International Fund Management"), pursuant to §21D of the PSLRA, timely filed a motion seeking consolidation of the above-captioned actions, appointment as lead plaintiff, and approval of its selection of Murray, Frank & Sailer LLP as lead counsel in the proposed consolidated cases. During the Class Period, International Fund Management purchased 298,297 shares of ConAgra common stock on the New York Stock Exchange and suffered losses of \$1,139,802 on its transactions;

WHEREAS, on August 22, 2005, the self-styled "Sumas Group," comprised of putative class members James Sumas, Jean Bull, Joan B. Galbraith, Nelson D. Fogle, Donna M. Fogle, Frieda B. Blum and Betty B. Bates, pursuant to §21D of the PSLRA, timely filed a motion seeking consolidation of the above-captioned actions, appointment as lead plaintiff, and approval of its selection of Stull, Stull & Brody as lead counsel in the proposed consolidated cases. During the Class Period, the Sumas Group purchased 4,300 shares of ConAgra common stock and suffered losses of \$12,536 on its transactions;

WHEREAS, there are no other motions to be appointed lead plaintiff and to approve lead plaintiff's selection of lead counsel pending in the District of Nebraska or the Southern District of New York;

WHEREAS, pursuant to the PSLRA, the Court is to presume that the "most adequate plaintiff" is the person or group of persons who "in the determination of the court has the largest financial interest in the relief sought by the class";

WHEREAS, National Elevator, having suffered a loss of \$1,266,629, and International Fund Management, having suffered a loss of \$1,139,802, each have a significant financial interest in the outcome and a financial interest far exceeding that of the only other lead plaintiff movant, the Sumas Group, which suffered an aggregated loss of \$12,536;

WHEREAS, National Elevator and International Fund Management understand the importance of supervising and monitoring the case and have determined that in order to best protect the interests of the class it would be more efficient to propose a consensual resolution of this matter rather than to proceed with competing lead plaintiff motions. As a result, National Elevator and International Fund Management have reached an agreement for the joint appointment of National Elevator and International Fund Management as lead plaintiff;

WHEREAS, National Elevator has selected its counsel, Lerach Coughlin Stoia Geller Rudman & Robbins LLP, to serve as co-lead counsel and International Fund Management has selected its counsel, Murray, Frank & Sailer LLP, to serve as co-lead counsel for the purchasers of ConAgra securities; and

WHEREAS, the proposed lead plaintiffs, National Elevator and International Fund Management, collectively have the largest financial interest in the relief sought by the class and satisfy the requirements of §21D(a)(3)(B)(iii)(I) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B)(iii)(I);

IT IS HEREBY STIPULATED AND AGREED, by the parties, through their undersigned counsel, as follows:

1. National Elevator and International Fund Management shall be appointed lead plaintiff for the class, pursuant to §21D(a)(3)(B) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B);
2. Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Murray, Frank & Sailer LLP will serve as co-lead counsel for the class, pursuant to §21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B)(v);
3. Each of the related actions shall be consolidated for all purposes (the "Consolidated Action"). This Order shall apply to the Consolidated Action and to each case that relates to the same

subject matter that is subsequently filed in this Court or is transferred to this Court and is consolidated with the Consolidated Action;

4. Every pleading filed in this Action shall have the following caption:

\_\_\_\_\_  
IN RE CONAGRA FOODS, INC.  
SECURITIES LITIGATION  
\_\_\_\_\_

)  
) Case No. 05-CV-00292-LES-TDT  
)  
)

DATED: September 6, 2005

LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP  
DARREN J. ROBBINS  
RAMZI ABADOU

*/s/ Ramzi Abadou*

\_\_\_\_\_  
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DATED: September 6, 2005

MURRAY, FRANK & SAILER LLP  
BRIAN P. MURRAY (BM-9954)  
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*/s/ Brian P. Murray*

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[Proposed] Liaison Counsel

\* \* \*

#### **ORDER**

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
THE HONORABLE LYLE E. STROM  
UNITED STATES DISTRICT JUDGE

S:\CasesSD\ConAgra Foods\STIP00024128-Joint-NE2.doc

DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, a citizen of the United States and a resident of the County of San Diego, over the age of 18 years, and not a party to or interested party in the within action; that declarant's business address is 401 B Street, Suite 1600, San Diego, California 92101.

2. That on September 6, 2005, declarant served the PLAINTIFFS' JOINT STIPULATION AND [PROPOSED] ORDER TO CONSOLIDATE THE ACTIONS, APPOINT LEAD PLAINTIFF AND TO APPROVE LEAD PLAINTIFF'S SELECTION OF CO-LEAD COUNSEL by depositing a true copy thereof in a United States mailbox at San Diego, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 6th day of September, 2005, at San Diego, California.

/s/ Deborah D. Hayes

DEBORAH D. HAYES

CONAGRA

Service List - 9/6/2005 (05-0138)

Page 1 of 2

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CONAGRA

Service List - 9/6/2005 (05-0138)

Page 2 of 2

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION

---

RAYMOND KADAGIAN, On Behalf of  
Himself and All Others Similarly Situated,

Plaintiff,

Civil No. 2:05-cv-00547-CNC

vs.

CLASS ACTION

HARLEY-DAVIDSON, INC., et al.,

Defendants.

---

ALBERT VILLAR, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

Civil No. 2:05-cv-00554-CNC

vs.

CLASS ACTION

HARLEY-DAVIDSON, INC., et al.,

Defendants.

---

PLAINTIFFS' JOINT STIPULATION TO CONSOLIDATE THE ACTIONS, APPOINT LEAD  
PLAINTIFF, AND TO APPROVE LEAD PLAINTIFF'S SELECTION OF CO-LEAD  
COUNSEL

---

[Caption continued on following page.]

---

FRANKLIN HIMES, On Behalf of Himself  
and All Others Similarly Situated,

Plaintiff,

Civil No. 2:05-cv-00579-LA

vs.

CLASS ACTION

HARLEY-DAVIDSON, INC., et al.,

Defendants.

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PHILIP KATZ, Individually and On Behalf of  
All Others Similarly Situated,

Plaintiff,

Civil No. 2:05-cv-00609-CNC

vs.

CLASS ACTION

HARLEY-DAVIDSON, INC., et al,

Defendants.

---

JAMES A. ZIOLKOWSKI, On Behalf of  
Himself and All Others Similarly Situated,

Plaintiff,

Civil No. 2:05-cv-00629-CNC

vs.

CLASS ACTION

HARLEY-DAVIDSON, INC., et al.,

Defendants.

---

CHARLES R. BOURRET, On Behalf of  
Himself and All Others Similarly Situated,

Plaintiff,

Civil No. 2:05-cv-00696-CNC

vs.

CLASS ACTION

HARLEY-DAVIDSON, INC., et al.,

Defendants.

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WHEREAS, on or about May 18, 2005, plaintiff in the above-captioned *Kadagian v. Harley-Davidson, Inc., et al.*, 05-cv-547 (E.D. Wis. 2005) (the "*Kadagian Action*") filed the first of these related actions alleging violations of the federal securities laws on behalf of a class of purchasers of Harley-Davidson, Inc. ("Harley-Davidson") securities between January 21, 2004, and April 14, 2005, inclusive (the "Class"). Each of the above-captioned actions filed, was filed on behalf of the same Class as that of the *Kadagian Action* and asserts the same causes of action;

WHEREAS, pursuant to §21D(a)(3)(A) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. §78u-4(a)(3)(A), the plaintiff in the *Kadagian Action* caused notice to be published on *Primezone* on May 18, 2005 (the "Notice"), which informed class members of their right to seek appointment as lead plaintiff by filing a motion with the Court no later than July 18, 2005;

WHEREAS, on July 18, 2005, putative Class members Deka Investment GmbH and Deka International S.A. Luxembourg (the "Deka Funds"), and class member Paul G. Satzinger, pursuant to §21D of the Private Securities Litigation Reform Act of 1995 ("PSLRA"), timely filed a motion seeking consolidation of the above-captioned actions, appointment as Lead Plaintiff, and approval of their selection of Murray, Frank & Sailer LLP as Lead Counsel in the proposed consolidated cases. During the Class Period, the Deka Funds purchased 246,242 shares of Harley-Davidson common stock and assert that they suffered a collective loss of \$1,870,288 on their transactions;

WHEREAS, on July 18, 2005, putative class members Construction Laborers Pension Trust of Greater St. Louis, the Iron Workers Local No. 25 Pension Fund and the City of Sterling Heights Police & Fire Retirement System ("Pension Funds"), pursuant to §21D of the PSLRA, timely filed a motion seeking consolidation of the above-captioned actions, appointment as Lead Plaintiff, and approval of its selection of Lerach Coughlin Stoia Geller Rudman & Robbins LLP as Lead Counsel in the proposed consolidated cases. During the Class Period, the Pension Funds purchased 57,200

shares of Harley-Davidson common stock on the New York Stock Exchange and assert that they suffered a collective loss of \$558,400 on their transactions;

WHEREAS, on July 18, 2005, purported class members USA Capital Corp., Jack D. Cox and Raymond Kadagian (the "USA Capital Group"), pursuant to §21D of the PSLRA, timely filed a motion seeking consolidation of the above-captioned actions, appointment as Lead Plaintiff, and approval of its selection of Scott + Scott, LLC as Lead Counsel in the proposed consolidated cases. During the Class Period, the USA Capital Group purchased 9,150 shares of Harley-Davidson common stock and asserts that it suffered a collective loss of \$122,570 on its transactions;

WHEREAS, pursuant to the PSLRA, the Court is to presume that the "most adequate plaintiff" is the person or group of persons who "in the determination of the court has the largest financial interest in the relief sought by the class" and otherwise satisfies the requirements of Fed. R. Civ. P. 23;

WHEREAS, the Deka Funds and the Pension Funds each claim a financial interest in the relief sought far exceeding that of the only other lead plaintiff movant;

WHEREAS, the Deka Funds and the Pension Funds, collectively, are capable of otherwise satisfying the requirements of Rule 23;

WHEREAS the only other lead plaintiff movant, the USA Capital Group, did not file an opposition to the motions filed by the Deka Funds and the Pension Funds;

WHEREAS, the Deka Funds and the Pension Funds understand the importance of supervising and monitoring the case and have determined that in order to best protect the interests of the Class it would be more efficient to propose a consensual resolution of this matter rather than to proceed with competing lead plaintiff motions. *See Montoya v. Mamma.com Inc.*, No. 05 Civ. 2313 (HB), 2005 U.S. Dist. LEXIS 10224, \*5 (S.D.N.Y. May 31, 2005) (holding that "two independent

lead plaintiff movants may join together to help ensure that 'adequate resources and experience are available to the prospective class in the prosecution of this action''").

WHEREAS, the Deka Funds and the Pension Funds have reached an agreement that resolves the pending motions and provides for the joint appointment of the Deka Funds and the Pension Funds as lead plaintiff. *See Pirelli Armstrong Tire Corp. Retiree Med. Benefits Trust v. LaBranche & Co.*, No. 03 Civ. 8264 (RWS), 2004 U.S. Dist. LEXIS 9571, 82-83 (S.D.N.Y. May 27, 2004) ("Creating a co-lead structure here will have the salutary effect of providing greater stability in the prosecution of these consolidation actions, should a decision be reached at some later stage in the litigation that either co-lead plaintiff will not adequately represent the class.");

WHEREAS, the Deka Funds have selected their counsel, Murray, Frank & Sailer LLP, to serve as Co-Lead Counsel and the Pension Funds have selected their counsel, Lerach Coughlin Stoia Geller Rudman & Robbins LLP, to serve as Co-Lead Counsel for the Class; and

WHEREAS, the Deka Funds and the Pension Funds, collectively, have the largest financial interest in the relief sought by the Class and collectively satisfy the requirements of §21D(a)(3)(B)(iii)(I) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B)(iii)(II).

IT IS HEREBY STIPULATED AND AGREED, by the parties, through their undersigned counsel, as follows:

1. Construction Laborers Pension Trust of Greater St. Louis, the Iron Workers Local No. 25 Pension Fund, the City of Sterling Heights Police & Fire Retirement System, and Deka International S.A. Luxembourg shall be appointed Lead Plaintiff for the Class, pursuant to §21D(a)(3)(B) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B);

2. Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Murray, Frank & Sailer LLP will serve as Co-Lead Counsel for the Class, pursuant to §21D(a)(3)(B)(v) of the Exchange Act,



15 U.S.C. §78u-4(a)(3)(B)(v), and Hale & Wagner, S.C. and Ademi & O'Reilly, LLP will serve as Co-Liaison Counsel;

3. Each of the related actions shall be consolidated for all purposes (the "Consolidated Action") pursuant to Fed. R. Civ. P. 42(a). This Order shall apply to the Consolidated Action and to each case that relates to the same subject matter that is subsequently filed in this Court or is transferred to this Court and is consolidated with the Consolidated Action;

4. Every pleading filed in this Action shall have the following caption:

|  |   |                          |
|--|---|--------------------------|
| IN RE HARLEY-DAVIDSON, INC.<br>SECURITIES LITIGATION | ) | Case No. 05-cv-00547-CNC |
|  | ) |                          |

5. When a pleading is intended to apply to all actions governed by this Order, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set out above. When a pleading is intended to apply only to some, but not all of the consolidated actions, this Court's docket number for each individual action to which the paper is intended to be applicable and the last name of the first-named plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption described above (e.g., "No. 2:04-cv-00547" ("Kadagian")).

Dated: August 29, 2005

Respectfully submitted,  
/Christopher S. Hinton  
CH-0759  
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Dated: August 29, 2005

s/Darren J. Robbins  
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[Proposed] Co-Lead Counsel

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[Proposed] Co-Liaison Counsel

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

---

RAYMOND KADAGIAN, On Behalf of  
Himself and All others Similarly Situated,

Plaintiff,

v.

Case No. 05-C-0547

HARLEY-DAVIDSON, INC.,  
JEFFREY L. BLEUSTEIN,  
JAMES L. ZIEMER,

Defendants.

---

ALBERT VILLAR,  
Individually and On Behalf of  
All Others Similarly Situated,

Plaintiff,

v.

Case No. 05-C-0554

HARLEY-DAVIDSON, INC.,  
JEFFREY BLEUSTEIN,  
JAMES ZIEMER,  
JAMES BROSTOWITZ,

Defendants.

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ORDER CONSOLIDATING THE RELATED ACTIONS, APPOINTING  
LEAD PLAINTIFF AND LEAD PLAINTIFF'S SELECTION OF LEAD  
AND LIAISON COUNSEL

[Caption continued on following pages]

FRANKLIN HIMES,

Plaintiff,

v.

Case No. 05-C-0579(LA)

HARLEY-DAVIDSON INC.,  
JEFFREY L. BLEUSTEIN,  
JAMES M. BROSTOWITZ,  
R. JON FLICKINGER,  
JOHN A. HEVEY,  
RONALD M. HUTCHINSON,  
GAIL A. LIONE,  
JAMES A. MCCASLIN,  
KENNETH SUTTON, JR.,  
DONNA F. ZARCONE,  
JAMES L. ZIEMER,

Defendants.

---

PHILIP KATZ, Individually and On Behalf  
of All Others Similarly Situated,

Plaintiff,

v.

Case No. 05-C-0609

HARLEY-DAVIDSON, INC.,  
JEFFREY BLEUSTEIN,  
JAMES ZIEMER,  
JAMES M. BROSTOWITZ,

Defendants.

---

JAMES A. ZIOLKOWSKI, On Behalf of  
Himself and All Others Similarly Situated,

Plaintiff,

v.

Case No. 05-C-0629

HARLEY-DAVIDSON, INC.,  
JEFFREY L. BLEUSTEIN,  
JAMES M. BROSTOWITZ,  
KARL M. EBERLE,  
JON R. FLICKINGER,  
JOHN A. HEVEY,  
RONALD M. HUTCHINSON,  
GAIL A. LIONE,  
JAMES A MCCASLIN,  
W. KENNETH SUTTON, JR.,  
DONNA F. ZARCONE,  
JAMES L. ZIEMER,

Defendants.

---

CHARLES R. BOURRET,  
On Behalf of Himself and  
All Others Similarly Situated,

Plaintiff,

v.

Case No. 05-C-0696

HARLEY-DAVIDSON, INC.,  
JEFFREY L. BLEUSTEIN,  
JAMES M. BROSTOWITZ,  
R. JON FLICKINGER,  
JOHN A. HEVEY,  
RONALD M. HUTCHINSON,  
GAIL A. LIONE,  
JAMES A. McCASLIN,  
W. KENNETH SUTTON, JR.,  
DONNA F. ZARCONE,  
JAMES L. ZIEMER,

Defendants.

---

Having considered the Plaintiffs' Joint Stipulation to Consolidate the Actions,  
Appoint Lead Plaintiff, and to Approve Lead Plaintiff's Selection of Co-Lead Counsel, and  
good cause appearing therefore, IT IS HEREBY ORDERED that:

1. The stipulation is approved in part.
2. Construction Laborers Pension Trust of Greater St. Louis, the Iron Workers Local No. 25 Pension Fund, the City of Sterling Heights Police & Fire Retirement System, and Deka International S.A. Luxembourg are hereby appointed Lead Plaintiffs for the Class, pursuant to §21D(a)(3)(B) of the Securities Exchange Act of 1934 (Exchange Act), 15 U.S.C. §78u-4(a)(3)(B).
3. Lerach Coughlin Stoia Geller Rudman & Robbins LLP and Murray, Frank & Sailer LLP are approved as Co-Lead Counsel for the Class, pursuant to §21D(a)(3)(B)(v) of the Exchange Act, 15 U.S.C. §78u-4(a)(3)(B)(v), and Hale & Wagner, S.C. is approved as Liaison Counsel.
4. Each of the above-entitled cases is found to be related and is consolidated for all purposes (the Consolidated Action) pursuant to Fed. R. Civ. P. 42(a). This order applies to the above-entitled cases and to each case related to the claims at issue in this Consolidated Action that is pending in this district, transferred to this district or consolidated with the above-entitled cases on or after this date, in accordance with this order.
5. Every pleading filed in this action shall have the following caption:  
  

|                             |   |                         |
|-----------------------------|---|-------------------------|
|                             | ) |                         |
| IN RE HARLEY-DAVIDSON, INC. | ) | Case No. 05-C-00547-CNC |
| SECURITIES LITIGATION       | ) |                         |
|                             | ) |                         |
6. When a pleading is intended to apply to all actions governed by this order, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set out above. When a pleading is intended to apply only to some, but not all of the Consolidated Actions, this court's docket number for each individual action

to which the paper is intended to be applicable and the last name of the first-named plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption described above (e.g., "No. 2:04-C-00547," (Kadagian)).

Dated at Milwaukee, Wisconsin, this 14th day of February, 2006.

BY THE COURT

s/ C. N. CLEVERT, JR.

C. N. CLEVERT, JR.  
U. S. District Judge